

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CARLOS M. SMITH,

Petitioner,

v.

CASE NO. 2:11-CV-00181

JUDGE MARBLEY

MAGISTRATE JUDGE KING

COMMON PLEAS COURT,
ROSS COUNTY,

Respondent.

ORDER

On March 14, 2011, the Magistrate Judge recommended that this action be dismissed as unexhausted. *Order and Report and Recommendation*, Doc. 2. Although petitioner was advised of the right to object to the *Report and Recommendation*, and of the consequences of failing to do so, *id.*, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED** as unexhausted.

The Clerk shall enter **FINAL JUDGMENT** in this case.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE